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To Moynihan, on Vanunu: Good and Bad Secrets

[Later note: References to Moynihan below may be misplaced. They are based on the report by a Moynihan aide to Vanunu lobbyist Tim Rieger that the Senator "had no sympathy for Vanunu; he should rot in prison for his whole 18 year sentence." But when Rieger spoke to Moynihan recently, he appeared not to have been briefed or approached on Vanunu at all. He asked many questions that indicated little knowledge on the case and no preconceptions. Either he had forgotten (or was dissembling, less likely in this case) or his aide had been speaking for him, misrepresenting him. So references to him above should be taken as applying to a generic critic of Vanunu.]

Moynihan probably believes (as do most people, tacitly):

Secrecy isn't all bad. Nor are secrecy regulations, rules, monitoring and sanctions to enforce them. Nor is "voluntary" or coerced secret-keeping, the observance of secrecy regulations, and the keeping of promises to keep secrets. There are circumstances and occasions (many) when all of these things are good, right, appropriate, obligatory, even necessary to national security.

Indeed (strong form, which Moynihan may or may not hold): the present system, and practices of observance, in the US and other countries (people who believe this aren't generally aware of differences in this between the US and other democratic countries) are about right, though perhaps a little on the excessive side. Very many things deserve to be kept secret, as a matter of national security and interest. Promises should be kept, as a virtually absolute rule; above all, promises to keep secrets. Secrecy regulations have the force of law--as they should have--and should be buttressed and enforced with criminal sanctions. (They aren't aware this is not generally true in the US; but they feel "there should be a criminal law" protecting secrets. And it should be enforced (as, in Israel, where it arguably does exist): as against Vanunu.

Above all, many feel, most aspects of nuclear weapons programs and nuclear weapons policy must be secret. Violations of this secrecy should be punished with utmost severity (as with Vanunu). In short, there is Good Secrecy (as well, no doubt, as Bad), and the sorts of secrets Vanunu revealed were Good Secrets.

If Moynihan doesn't believe this about all nuclear programs, he almost surely does about "good" programs: ours, and our allies, especially Israel's.

But is the latter belief really sustainable?

Let's go back to the general proposition. Are there not "bad" secrets, secrets that should not be kept (at least, under some circumstances), information that should or must be disclosed to the public?

Was the information in the Pentagon Papers rightfully withheld from the public and Congress, the whole time it was actually withheld? Or was it right, proper, appropriate, necessary, should-have-been-obligatory that the public share this information?

If the latter: was I right or wrong to disclose it? The question is properly addressed in context of my earlier promise--made initially in ignorance of the information that would be disclosed to me, or its legal or practical import--not to pass it on except to persons authorized by my bosses in the Executive branch? Was I right or wrong to break this promise, in this instance?

Another given: the authorities in the Executive branch who claimed the authority to decide who should receive it, were refusing to share it with Congress or the public: arguably wrongly, even unconstitutionally, and with grave negative consequences, possibly causing many future deaths.

These questions are separate from the judgments often made that, right or wrong, I was "brave," "idealistic," "patriotic," self-sacrificing. All these judgments could be and often were made by people who regarded what I did as wrong--whether or not they agreed with me on the way--and properly deserving of punishment.

Did the questions here are: Did I do the right thing, in breaking my earlier promise and revealing the information? A closely-related question: Did that help or hurt the national security, the national interest? Did it serve the good of my country? (Apart from benefits to non-nationals).

If it was right, should I have been punished? Or, punished and honored? Or just, approved and honored? Should my case not then be recognized as undercutting the case that there should be a law enforcing secrecy with criminal sanctions, without exceptions?

Back to the nuclear case (and Vanunu). Let's distinguish between three areas of secrecy: (1) the existence of a nuclear weapons program; (2) the continuation and scale of that program; 3) nuclear weapons policy and strategy and their general deployment (the latter bearing on possible use, and on overall vulnerability); 4) details of the design and manufacture of nuclear weapons and their current deployment (information which might in itself increase their vulnerability).

I will agree that (4) is properly secret--to reduce proliferation and incentives to preempt. (3), on the contrary, is in the opposite category, in my opinion, of information that the public and its representatives in Congress needs to know and to debate and ultimately to determine. However, it has virtually never been a subject of open or



probing hearings or informed debate--in this or any other nuclear state--and the issue of its secrecy has not come up as a matter of controversy (regrettably).

My own belief is that secrecy on (1) and (2) should be regarded as Bad Secrecy in virtually all cases. (A possible exception for the early Manhattan Project is discussed below). This is the opposite of what is widely believed, especially by people in nuclear states, even people outside the decision-making circles in those states: namely, that such matters must almost self-evidently be kept secret, that these are Good Secrets in virtually all circumstances.

The Vanunu case focuses on (1) and (2), especially the latter. The existence of a nuclear weapons program and capability has long been known, both in Israel and by its allies and enemies. Vanunu's disclosures merely confirmed this. To oppose this confirmation (aside from the precedent set by his action) must be based on the argument that continued silence or deception on this matter--though it fools no one--remains convenient, or arguably important, to Israel's regional diplomacy and to its relations with the US Congress (so long as Congress agreed to pretend to be fooled, i.e., to be "uncertain" and to be uninformed officially of a nuclear status that would legally preclude certain forms of aid to Israel). (A close analogy: the "ignorance" of the Japanese Government that there might be US nuclear weapons on Japanese soil or in Japanese coastal waters, in the absence of any official declarations by the US that such deployments existed). It should be noted that Vanunu's photographs did not actually force or lead to any change in Israel's official statements or Congress' official "ignorance" and aid to Israel.

But was this policy of official secrecy, lies, and continued "ambiguity" ever proper in a democracy? It has been followed, initially, by every single nuclear state, democratic or not. Was it justified in any case?

The strongest case that it was justified, even obligatory, was in the circumstances of the original Manhattan Project, where it was plausibly argued that an open program or debate about one would spur our industrially-advanced wartime enemy to press a program of its own that could affect the outcome of the war (and end many allied lives).

Given reasonable beliefs about those risks, consistent with the available (sparse) evidence through mid-1943 or, at the latest, mid-1944 (or as some insisted, till Germany surrendered in early May, 1945), I still think the secrecy enforced was reasonable and appropriate. Yet even one who accepts that conclusion should, I think, recognize that the consequences were tragic, making nearly inevitable a set of decisions that imperil human survival.

For the beliefs, even in that strongest case, were not in accord with reality. The decision by the Germans in mid-1942 (still unknown to most Americans, who have been told otherwise in popular accounts) was to forego a nuclear weapons program. US disclosure much after that could not have led to a German program that had any chance of success (under wartime conditions) before the end of the war. (Even before that,

during wartime bombing, they didn't have much if any chance of succeeding--i.e. their decision was not unsound--but that was a risk that the US could not easily run. Whether a US program was ever an appropriate, or the best, response to the possibility that the Germans would develop a few atomic bombs, is another matter, seldom addressed).

In any case, the argument did not hold after May 8, 1945, though the secrecy did persist, with perhaps fateful consequences. Eugene Rabinowitz has disclosed his doubts, then and later, whether he was justified in maintaining secrecy about the program between the end of the war against Germany and the dropping of the bomb on Japan. C.P. Snow has conjectured that Einstein, if he had known about the program during that period, would have found a way to inform the public and stimulate a public debate and recognition of public responsibility for the decision to use the bomb against Japan. Other scientists who at that time opposed the use of the bomb--without at least making surrender terms explicit to the Japanese, and addressing long-term considerations--did not, apparently, think of making their petition public before the bomb was dropped.

In every other case since 1945, I would say that the decision whether to launch a bomb program should not have been secret (as it always was). There should have been open knowledge and debate about such a question bearing supremely on national security, even survival. Indeed, I would argue that taking all long-term consequences into account (and considering alternatives, of diplomacy and arms control) the decision should in every case have been negative. (Just as the decision to continue the program to completion, test and use of the bomb, should have been negative in the US, after late-1944). But the only chance of this was in open debate, not in secret decision-making limited to those Executive authorities who favored the program.

Moynihan and many supporters of Israel may feel that Israel is the single, or strongest, exception to this judgment. I believe they are wrong. I won't try to argue that here, merely to suggest that their judgment deserves reconsideration.

Even with their position, they could well reconsider the opinion that data under (2) needs to be protected from public knowledge and debate even in Israel. I would argue against that even more strongly. And that is what Vanunu disclosed. Is it not time now--whether it was already in the Sixties--for Israel's nuclear policy to be subject to democracy in Israel? To exclude it is to narrow the scope of democracy there sharply.

(Let me acknowledge, unhappily, that to say that is the case now is not to distinguish Israel very much from other nuclear democracies. In the US there is a good deal of knowledge and debate--incomparably more than in Israel--but it has had strikingly little effect on programs and deployment, other than to limit ABM programs up till now).

In short: I would assert that secrecy about the existence of a nuclear weapons program (ever since the early years of the Manhattan Project, and even in that period in the light of actual realities and consequences) has been Bad Secrecy, Bad Secrets.



That is the message that should be conveyed to knowledgeable scientists and technicians in secret weapons programs going on now or in the future: perhaps in Iraq, Iran, North Korea, now or in the future in Egypt, Syria, Indonesia, or Japan (as, in the past, in South Africa, Israel, Argentina and Brazil). They should recognize not only a right but an obligation to tell what they know of the existence of the program to their own public and to the world: whatever promises they have made, whatever sanctions their states may threaten or impose.

Is that not what we--what Moynihan--want them to recognize and to act upon?

Does not the secret trial and the prolonged imprisonment of Vanunu, without protest by the US, send the opposite message? That it is not only predictable but right to punish such revelation? Should we not thank and honor Vanunu--at the least, by protest at his imprisonment and encouragement for his release--if we wish others (do we not?) in these other countries to follow his example? In face of the risks they must run in doing so, they won't be strongly influenced, if at all, by the hope of explicit thanks or reward. But it can only help their decision for them to know that much of the world believes that they would be doing the right thing, what they ought to do.